United Nations S/AC.57/2015/3*

Security Council

Distr.: General
22 May 2015
English
Original: Spanish

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 22 May 2015 from the Permanent Mission of Chile to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Chile to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and, with reference to the note verbale from the Chair dated 1 April 2015, and in accordance with paragraph 17 of resolution 2206 (2015), has the honour to submit the report on the steps taken by Chile to implement paragraphs 9 and 12 of that resolution (see annex).

* Reissued for technical reasons on 8 June 2015.

15-08230* (E) 010615 090615

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Annex to the note verbale dated 22 May 2015 from the Permanent Mission of Chile to the United Nations addressed to the Chair of the Committee

Report to the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

1. Chile reiterates its commitment to the full implementation of the resolutions relating to the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and the provisions of paragraphs 9 and 12 of the resolution. The decision taken by the Security Council has been transmitted to all relevant national authorities for action to ensure compliance with the travel ban and asset freeze on designated persons and entities. The asset freeze also applies to any individuals or entities acting on behalf of, or at the direction of, the designated persons and entities, and to entities owned or controlled by them.

2. Under Chilean law, Security Council resolutions imposing sanctions are implemented by presidential decree. In the case of South Sudan, the appropriate administrative process, which will provide the legal framework for the national institutions to carry out the mandates established by the resolutions, is under way.

3. Without prejudice to Security Council sanctions relating to South Sudan, the authorities are waiting for the consolidated travel-ban and asset-freeze list of persons subject to the sanctions, in order to be able to properly apply them, since the official list has not yet been issued by the Security Council Committee established pursuant to resolution 2206 (2015).

Interministerial committee

4. Decree No. 14, which entered into force on 5 December 2012, established the Interministerial Committee for the Implementation of and Compliance with Security Council Resolutions, to serve as an interministerial coordination body for the implementation of and compliance with all recommendations and measures set out in Security Council resolutions adopted under Chapter VII of the Charter of the United Nations.

5. The Committee comprises representatives of the Ministry of the Interior and Public Safety, the Ministry of Foreign Affairs, the Ministry of National Defence, the Ministry of Finance, the Ministry of the General Secretariat of the Presidency and the Ministry of Justice.

6. The Committee shall have the following functions:

(a) To serve as an interministerial coordination body for the implementation of and compliance with all recommendations and measures set out in Security Council resolutions adopted under Chapter VII of the Charter of the United Nations;

(b) To cooperate in the preparation of reports on compliance by the State of Chile with Security Council resolutions, at the request of the Council or any of its subsidiary bodies (sanctions committees and other bodies);

(c) To carry out any other measures aimed at promoting interministerial cooperation and coordination for the implementation of and compliance with Security Council resolutions.

Ministry of the Interior and Public Safety: travel ban

7. Legislative Decree No. 1.094 of 1975 on foreign nationals in Chile, also known as the Aliens Act, gives the Ministry of the Interior and Public Safety the power to issue entry and residence permits to aliens; extend, deny or revoke such permits; and order the expulsion of aliens. Residence permits for diplomats and aliens applying from outside the country are issued by the Ministry of Foreign Affairs, in accordance with guidelines developed in collaboration with the Ministry of the Interior and Public Safety. Migration-related functions under the jurisdiction of the Ministry of the Interior and Public Safety are carried out by the Office of the Under-Secretary for the Interior, through the Department of Alien Affairs and Immigration.

8. Paragraph 3 of the Aliens Act and paragraph 4 of the Aliens Regulation (Supreme Decree No. 597 of 1984) establish the grounds on which an individual may be denied entry into the country, which are essentially based on health and safety criteria.

9. Pursuant to article 28 of the Aliens Regulation, the Ministry of the Interior and Public Safety is responsible for determining the measures for ensuring that aliens meeting the conditions set out in the Regulation are prohibited from entering the country. To that end, official State agencies, the Ministry of Foreign Affairs, the investigations police, national security agencies, regional administrations and provincial governments shall transmit to the Ministry of the Interior and Public Safety any records they possess in respect of any alien on whom they have adverse information that would prevent that person from being allowed entry into the country.

10. The Regulation establishes that entry bans or restrictions shall be issued through administrative decisions signed by the Under-Secretary of the Interior, by order of the President of the Republic, and shall be applied by the border authorities. Notwithstanding the foregoing, even in the absence of a decision prohibiting an individual from entering the country, under article 29 of the Regulation, border authorities to must, based on the records in their possession, refuse entry to persons who meet any of the conditions that would prevent them from entering the country, pursuant to existing legislation.

11. Under Chilean law, investigations police officers are responsible for monitoring all entries into and departures from the country and for verifying the identity of travellers and the validity and authenticity of their travel documents. Alternatively, in places where no investigations police units exist (20 border crossings, 2 of which are stationary), immigration control functions are carried out by the national police (Carabineros de Chile). At sea ports, where there are no investigations police or national police units, those functions are carried out by the port authority.

12. It should be noted that international transport companies have a legal obligation to refuse to transport passengers attempting to travel to Chile without proper documentation to enter the country.

Implementation of the travel-ban measures

13. The Ministry of Foreign Affairs provides the Ministry of the Interior and Public Safety with information on the adoption or renewal by the Security Council

of resolutions imposing sanctions on individuals, along with the lists containing personal information on each of the individuals concerned, to enable it to apply the appropriate migration measures. The Ministry of the Interior and Public Safety then passes that information on to the Department of Alien Affairs and Immigration for appropriate action.

14. The Department of Alien Affairs and Immigration drafts the decision prohibiting the persons on the lists from entering the country, which is then signed by the Under-Secretary for the Interior, in accordance with existing legislation. While the decision is being drafted, the Department of Alien Affairs and Immigration sends copies of the Security Council resolutions and the lists of the individuals that should be banned from entering the country to the investigations police by the quickest means possible. In so doing, those persons will be prevented from entering the country with immediate effect, pursuant to article 29 of the Aliens Regulation.

15. The Ministry of Foreign Affairs, the investigations police and the national police are informed of the decision of the Under-Secretary for the Interior prohibiting certain individuals from entering the country.

Detection at the border: investigations police and national police

16. Entry bans received from the Department of Alien Affairs and Migration are entered into the computer system of the investigations police, known as the Police Management System, which is also used to record information on Chilean nationals and aliens with records in the databases of the International Criminal Police Organization (INTERPOL).

17. During the immigration control process, data on the individual in question are cross-referenced against the data contained in the Police Management System. If the individual is the subject of an international arrest warrant, more commonly known as a Red Notice, the INTERPOL National Central Bureau is contacted to have the situation clarified and the individual arrested before a decision is taken on whether or not to allow the person to enter the country.

18. The national police maintains a database of entry bans received from the Department of Alien Affairs and Immigration, which is consulted during the immigration control process, along with INTERPOL databases, through telephone communication with the investigations police.

19. As the entity responsible for implementing the National Intelligence System, the National Intelligence Agency, which is under the Ministry of the Interior and Public Safety, has incorporated into its databases the consolidated list of persons subject to a travel ban under Security Council resolution 2206 (2015). These databases are consulted by all institutions involved in the process of authorizing the entry of foreign nationals into the country. Consequently, no individual on the consolidated Security Council travel-ban lists can enter Chile.

20. Furthermore, in accordance with the legal framework for the implementation of Security Council sanctions, it is the responsibility of the Department of Alien Affairs and Immigration of the Ministry of the Interior and Public Safety to determine when to deny entry to or expel a foreign national.

21. Lastly, that State actors face difficulties in handling the consolidated travel-ban lists, because they do not have sufficient information that would give them greater assurance in tha regard. Avoiding the erroneous application of sanctions against individuals with he same name as individuals on the list is a key element of compliance.

Asset freeze

22. The Ministry of Finance is the competent national authority to implement the asset-freeze measures established by Security Council resolutions.

23. To ensure the implementation of such measures, the Financial Analysis Unit provides the lists of designated persons and entities to institutions with reporting obligations under Act No. 19.913, with through its website (http://www.uaf.cl/asuntos/sanciones_onu.aspx), to enable them to cross-reference the lists with their client databases to ensure that they are not dealing with any such persons or entities. Even where there are no legal powers to freeze assets, as required by Security Council resolutions, if institutions with reporting obligations under Act No. 19.913 discover that they are dealing with any designated persons or entities, or any person or entity acting on behalf of such persons or entities, they may submit a suspicious transaction report on money-laundering in connection with the financing of terrorism to the Financial Analysis Unit. Once the situation has been confirmed through financial intelligence processes, the Financial Analysis Unit transmits the information to the Public Prosecutor's Office in order that the latter may request that the appropriate protective measures be taken to freeze the assets in question.

24. Furthermore, the national strategy to prevent and combat money-laundering and the financing of terrorism was developed in December 2013. As part of the action plan under that strategy, 20 public agencies will work together to protect the Chilean economy against both crimes. The International Monetary Fund and the Inter-American Development Bank provided technical advice on the implementation of that action plan.

25. With regard to the rationale behind the application of sanctions, it should be recalled that relevant Security Council decisions have reflected a more refined approach to the design, application and implementation of mandatory sanctions. These refinements have included measures targeted at specific actors, as well as humanitarian exceptions embodied in Security Council resolutions, with the aim of avoiding the possible adverse impact of sanctions on the most vulnerable segments of the population.

26. Lastly, once the list of persons designated by the Security Council Committee established pursuant to resolution 2206 (2015) is drawn up, the Financial Analysis Unit will be able to publish it, to allow institutions with reporting obligations under Act No. 19.913 to cross-reference the list with their client databases and determine whether or not they have carried out operations or transactions with such persons.

United Nations S/AC.57/2015/4

Security Council

Distr.: General
1 June 2015

Original: English

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 29 May 2015 from the Permanent Mission of Malaysia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Malaysia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to Security Council resolution 2206 (2015) concerning South Sudan and, with reference to the Chair's note dated 1 April 2015, has the honour to submit the report of the Government of Malaysia to the Committee, pursuant to paragraph 17 of resolution 2206 (2015).

15-08764 (E) 050615

Please recycle

Annex to the note verbale dated 29 May 2015 from the Permanent Mission of Malaysia to the United Nations addressed to the Chair of the Committee

Report of the Government of Malaysia submitted pursuant to Security Council resolution 2206 (2015)

1. Malaysia remains committed to the implementation of Security Council resolution 2206 (2015) concerning South Sudan.

2. In this regard, Malaysia is pleased to submit to the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan the steps that Malaysia has taken with a view to implementing the obligations contained in paragraphs 9 and 12 of resolution 2206 (2015).

Travel ban

3. The Immigration Department of Malaysia will take the measures necessary to prevent the entry into or transit through its territories of any individuals who may be designated by the Committee in accordance with section 9 (1)(a) of the Immigration Act 1956/63.

Asset freeze

4. The relevant financial institutions have been notified to freeze funds, other financial assets and economic resources that are owned or controlled, directly or indirectly, by any individuals or entities that may be designated by the Committee, or by any individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, in accordance with the applicable domestic laws and regulations.

5. A provision under section 82 of the Central Bank of Malaysia Act 2009 enables the Central Bank to take action on an individual or entity that may be designated by the Committee. This provision provides the legal basis for the Central Bank to instruct financial institutions under its supervision to freeze the funds, financial assets or economic resources of individuals and entities that may be designated by the Committee. Action may be taken against a financial institution for non-compliance with the instructions of the Central Bank in this regard.

6. The Government of Malaysia has also introduced a special provision in the Securities Commission (Amendment) Bill 2015 in order to grant Securities Commission Malaysia the authority to instruct its licensed intermediaries to freeze the assets or accounts of individuals and entities that may be designated by the Committee. The Bill was approved by the House of Representatives on 8 April and the Senate on 22 April 2015.

7. Malaysia reaffirms its commitment to its obligations under the Charter of the United Nations and stands ready to extend its cooperation to the Panel of Experts and to the Committee.

United Nations S/AC.57/2015/5*

Security Council

Distr.: General
2 June 2015

Original: English

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 2 June 2015 from the United States Mission to the United Nations addressed to the Chair of the Committee

The United States Mission has the honour to enclose the report of the United States of America on its implementation of Security Council resolution 2206 (2015) (see annex).

* Reissued for technical reasons on 11 June 2015.

15-08793* (E) 120615

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Annex to the note verbale dated 2 June 2015 from the United States Mission to the United Nations addressed to the Chair of the Committee

Report of the United States of America on its implementation of Security Council resolution 2206 (2015)

Travel ban

Under the applicable provisions of United States law, including section 212 (f) of the Immigration and Nationality Act of 1952 (United States Code, title 8, sect. 1182 (f)), the United States has the authority necessary to prevent the entry into or transit through United States territories of individuals designated by the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan, provided that those individuals are not nationals of the United States. Executive Order 13664 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to sanction, inter alia, those who have engaged in actions or policies that threaten the peace, security or stability of South Sudan. Section 4 of the Executive Order suspends the entry into the United States of aliens determined to meet one or more of the criteria in the Executive Order, and such persons are treated as persons covered by section 1 of Proclamation 8693 of 24 July 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

To the extent consistent with United States law, the United States may permit entry into or transit through its territory of such individuals where the Committee determines, on a case-by-case basis, that such travel is justified on the grounds of humanitarian need, including religious obligation, where entry or transit is necessary for the fulfilment of a judicial process, or where the Committee determines, on a case-by-case basis, that an exemption would further the objectives of peace and national reconciliation in South Sudan and stability in the region.

Asset freeze

Under the applicable provisions of United States law, including the International Emergency Economic Powers Act (United States Code, title 50, sect. 1701 ff.), the National Emergencies Act (United States Code, title 50, sect. 1601 ff.), section 5 of the United Nations Participation Act of 1945, as amended (United States Code, title 22, sect. 287c), and section 301 of title 3 of the United States Code, the United States has the authority to take the measures necessary to implement an asset freeze imposed by Security Council resolution 2206 (2015). The Office of Foreign Assets Control of the United States Department of the Treasury takes action in accordance with Executive Order 13664 to freeze the assets of designated individuals or groups, subject to United States jurisdiction.

United Nations S/AC.57/2015/6

Security Council

Distr.: General
3 June 2015
English
Original: French

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 3 June 2015 from the Permanent Mission of Monaco to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Principality of Monaco to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and, with reference to the Committee's note verbale dated 1 April 2015, has the honour to provide the following information.

- With regard to freezing assets, the Principality adopted, on 24 July 2014, Ministerial Order No. 2014-426 (attached hereto)* concerning South Sudan, imposing measures for the freezing of funds and economic resources of individuals designated by the European Union in the context of the European common security policy. Through an amendment to the annex to this Ministerial Order, the Principality will implement all decisions to include an individual or entity on the list of individuals subject to a measure for the freezing of funds taken by the Security Council Committee established pursuant to resolution 2206 (2015).
- With regard to restrictions on the movement of persons, and because of its inclusion in the Schengen area, the Principality enforces the same rules as does the European Union. Therefore, those measures apply in the Principality from the moment of their adoption by the European Union.

* The legal text referred to is on file with the Secretariat and is available for consultation.

15-08885 (E) 100615 110615

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United Nations S/AC.57/2015/7

Security Council

Distr.: General
3 June 2015
English
Original: French

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 3 June 2015 from the Permanent Mission of France to the United Nations addressed to the Chair of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and, in accordance with paragraph 17 of the aforementioned resolution, has the honour to submit the report on the steps taken by France to implement that resolution (see annex).

15-08986 (E) 100615 110615

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Annex to the note verbale dated 3 June 2015 from the Permanent Mission of France to the United Nations addressed to the Chair of the Committee

Report of France to the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan on the steps taken to implement resolution 2206 (2015)

I. Introduction

Under Chapter VII of the Charter of the United Nations, resolution 2206 (2015) establishes an individual sanctions regime.

In paragraph 17 of resolution 2206 (2015) of 3 March 2015, the Security Council "calls upon all Member States to report to the Committee ninety days from the adoption of this resolution on the steps they have taken to implement effectively paragraphs 9 and 12 of this resolution".

In paragraph 9, the Security Council decides "that, for an initial period of one year from the date of adoption of this resolution, all Member States shall take the necessary measures to prevent the entry into or transit through their territories of any individuals who may be designated by the Committee, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory" and, in paragraph 12, "decides that ... all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by any individuals or entities that may be designated by the Committee, ... and decides further that all Member States shall ... ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory".

Pursuant to these provisions, France wishes to inform the Security Council Committee established pursuant to resolution 2206 (2015) of the following steps taken to implement the resolution.

II. Steps taken by France

The international sanctions established by the Security Council are implemented by the decisions of the European Union (EU) and, if necessary, applied by the Government of France when absent at the European Union level.

Paragraphs 9 and 12 of Security Council resolution 2206 (2015) concerning South Sudan are implemented by the following legislation:

1. At the European Union level

The European Union has had its own individual sanctions regime concerning South Sudan since July 2014 and complemented those rules by transposing resolution 2206 (2015) in the form of:

(a) European Union Council Decision (CFSP) 2015/740 of 7 May 2015, repealing Council Decision (CFSP) 2014/449;

(b) European Union Council Regulation (EU) No. 2015/735 of 7 May 2015 concerning the restrictive measures contained in Regulation (EU) No. 748/2014 and thereby repealing it.

2. *At the national level*

Article 562-2 of the Monetary and Financial Code gives the Minister of Economic Affairs the authority to issue a freezing order in the context of international sanctions. In the case of South Sudan, no order has been issued, in the absence of a list of individual designations at this stage.

United Nations S/AC.57/2015/8

Security Council

Distr.: General
5 June 2015

Original: English

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 4 June 2015 from the Permanent Mission of Latvia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Latvia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and has the honour to transmit herewith the national implementation report of Latvia, pursuant to paragraph 17 of resolution 2206 (2015) (see annex).

15-09096 (E) 150615

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Annex to the note verbale dated 4 June 2015 from the Permanent Mission of Latvia to the United Nations addressed to the Chair of the Committee

National implementation report of the Republic of Latvia

The Republic of Latvia and the other member States of the European Union have jointly implemented the travel ban and financial restrictions imposed by the Security Council in resolution 2206 (2015) by taking the following measures:

- Council Decision 2014/449/CFSP of 10 July 2014 concerning restrictive measures in view of the situation in South Sudan.[a] The Decision contains the same measures as Security Council resolution 2206 (2015), namely:

  – The freezing of funds and economic resources of entities and individuals

  – Travel restrictions

  In addition to the above-mentioned measures, the Decision imposes an arms embargo.

- Council Regulation (EU) No. 748/2014 of 10 July 2014 concerning restrictive measures in respect of the situation in South Sudan.[b] The Council adopted the Regulation in order to implement measures provided for in Council Decision 2014/449/CFSP as regards the freezing of funds and economic resources of entities and individuals.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 listing the third countries whose national must be in possession of visas when crossing the external borders and whose national are exempt from that requirement[c] (and its subsequent amendments). The Regulation requires nationals of South Sudan to be in possession of a visa when entering the European Union. Therefore, the respective restrictions of admission are to be implemented through the visa application process.

The penalties determined by the Republic of Latvia as regards infringements of the restrictive measures imposed by international organizations are set out in Section 84 of the Criminal Law of the Republic of Latvia, adopted on 17 June 1998.[d]

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[a] *Official Journal of European Union* L 203, 11.7.2014, p. 100.
[b] *Official Journal of European Union* L 203, 11.7.2014, p. 13.
[c] *Official Journal of European Union* L 81, 21.3.2001, p. 1.
[d] *Official Gazette of the Republic of Latvia, Latvijas Vēstnesis* No. 199/200, 8.7.1998.

United Nations S/AC.57/2015/9

Security Council

Distr.: General
5 June 2015

Original: English

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 3 June 2015 from the Permanent Mission of Finland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Finland to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and, in accordance with paragraph 17 of resolution 2206 (2015), has the honour to transmit herewith the report of Finland on the steps taken to implement effectively paragraphs 9 and 12 of that resolution (see annex).

15-09097 (E) 150615

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Annex to the note verbale dated 3 June 2015 from the Permanent Mission of Finland to the United Nations addressed to the Chair of the Committee

Report submitted by Finland to the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Finland has taken the steps below to implement effectively paragraphs 9 and 12 of resolution 2206 (2015).

Measures adopted by the European Union

The European Union immediately initiated the preparation of legal instruments implementing the provisions of resolution 2206 (2015).

On 7 May 2015, the Council of the European Union adopted Council Decision 2015/740/CFSP concerning restrictive measures in view of the situation in South Sudan and repealing Decision 2014/449/CFSP. The Decision sets out the basis for the implementation of travel restrictions and asset freezes imposed by paragraphs 9 and 12 of resolution 2206 (2015) and applied in relation to persons and entities designated by the Security Council Committee established pursuant to paragraph 16 of the resolution. In Decision 2015/740/CFSP, the restrictive measures imposed by Decision 2014/449/CFSP and the restrictive measures provided for in resolution 2206 (2015) were integrated into a single legal instrument. The Decision was published in the *Official Journal of the European Union* on 8 May 2015, and it entered into force on 9 May 2015.

In addition to Council Decision 2015/740/CFSP, the Council of the European Union adopted, on 7 May 2015, Council Regulation (EU) 2015/735 concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) 748/2014. The Council Regulation includes provisions for implementing the above measures falling within the scope of the Treaty on the Functioning of the European Union. Council regulations are binding in their entirety and directly applicable to all European Union member States. Council Regulation (EU) 2015/735 was published in the *Official Journal of the European Union* on 8 May 2015 and it entered into force on 9 May 2015.

Article 3(1) (a) of Decision 2015/740/CFSP provides that member States shall take the measures necessary to prevent the entry into, or transit through, their territories of persons designated by the Security Council or by the Committee in accordance with paragraphs 6, 7, 8 and 9 of resolution 2206 (2015), as listed in annex I to the Decision. According to articles 3(2) and 4 of the Decision, the travel ban shall not apply in the situations provided for in paragraphs 9 and 11 of resolution 2206 (2015).

According to article 6(1) (a) of Decision 2015/740/CFSP, all funds and economic resources belonging to, owned, held or controlled by, directly or indirectly by persons and entities designated by the Security Council or the Committee in accordance with paragraphs 6, 7, 8 and 12 of resolution 2206 (2015), as listed in annex I to the Decision, shall be frozen. Pursuant to article 6(2) of the Decision, no funds or economic resources shall be made available directly or

indirectly to or for the benefit of the natural or legal persons, entities or bodies listed in annex I.

According to article 5(1) of Council Regulation (EU) 2015/735, all funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in annex I to the Council Regulation shall be frozen. Annex I shall include natural or legal persons, entities and bodies identified by the Committee as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan, in accordance with paragraphs 6, 7, 8, and 12 of resolution 2206 (2015). Pursuant to article 5(3) of the Council Regulation, no funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in annex I to the Council Regulation.

Article 7 of the Decision and articles 6, 7, 9, 11 and 13(1-2) of the Council Regulation provide for the relevant exemptions to the asset freeze and to the prohibition from making funds or economic resources available, in accordance with paragraphs 13, 14 and 15 of resolution 2206 (2015).

National implementation measures

At the national level, sanctions are imposed by virtue of the Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union (Sanctions Act), No. 659/1967.

The Sanctions Act, together with the Penal Code (No. 39/1889), provides for penalties and forfeitures to be imposed for violations of Council sanction regulations. According to chapter 46, section 1(9), of the Penal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation, shall be sentenced for a regulation offence to a fine or to imprisonment for at most two years. Pursuant to chapter 46, section 2, of the Penal Code, the penalty for an aggravated regulation offence is at least four months and at most four years of imprisonment. Pursuant to chapter 46, section 3, of the Penal Code, when the regulation offence is deemed petty, the offender shall be sentenced for a petty regulation offence to a fine.

United Nations S/AC.57/2015/10

Security Council

Distr.: General
5 June 2015

Original: English

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 5 June 2015 from the Permanent Mission of New Zealand to the United Nations addressed to the Chair of the Committee

The Permanent Mission of New Zealand to the United Nations transmits herewith the report of New Zealand on the implementation of paragraphs 9 and 12 of Security Council resolution 2206 (2015) concerning South Sudan (see annex).

15-09098 (E) 160615

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Annex to the note verbale dated 5 June 2015 from the Permanent Mission of New Zealand to the United Nations addressed to the Chair of the Committee

Report of New Zealand regarding the implementation of Security Council resolution 2206 (2015)

Under paragraph 17 of resolution 2206 (2015), the Security Council calls upon all Member States to report to the Committee 90 days from the adoption of the resolution on the steps that they have taken to implement effectively paragraphs 9 and 12 of the resolution.

New Zealand wishes to inform the Committee that it is implementing resolution 2206 (2015) by issuing the United Nations Sanctions (South Sudan) Regulations 2015, promulgated under the United Nations Act 1946. The Regulations were gazetted on 4 June 2015 and will enter into force on 2 July.

Implementation of paragraphs 9 and 12 of resolution 2206 (2015)

The Regulations will implement the travel ban under paragraph 9 of resolution 2206 (2015) through regulation 4, which prevents the entry into or transit through New Zealand by designated persons, except where their entry or transit is permitted by the Committee, in accordance with paragraphs 11 (a), (b) and (c) of the resolution.

The Regulations will implement the asset freeze imposed under paragraph 12 of resolution 2206 (2015) through regulations 5 to 7, which prohibit dealing in property of designated persons or sending property to designated persons, except in accordance with paragraphs 13 (a), (b) and (c) of the resolution.

United Nations S/AC.57/2015/11

Security Council

Distr.: General
5 June 2015
English
Original: Spanish

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 4 June 2015 from the Permanent Mission of Argentina to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and has the honour to refer to the Chair's note in which he called upon Member States to report on the steps taken to implement the measures imposed by the resolution, pursuant to paragraph 17 of the resolution.

In this regard, the Argentine Republic wishes to report that it has incorporated the sanctions contained in resolution 2206 (2015) into its domestic legislation by Ministry of Foreign Affairs and Worship resolution 147/2015 of 30 April 2015, published in the Official Gazette of the Argentine Republic on 28 May 2015. It also wishes to report that this publication in the Official Gazette is the sole requirement for the sanctions to be considered public knowledge and fully applicable throughout the Argentine Republic.

15-09100 (E) 120615 150615

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United Nations S/AC.57/2015/12

Security Council

Distr.: General
8 June 2015

Original: English

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 8 June 2015 from the Permanent Mission of Estonia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Estonia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan. The Mission transmits herewith the following report on the implementation of paragraphs 9 (travel ban) and 12 (asset freeze) of resolution 2206 (2015) (see annex).

15-09209 (E) 160615

Please recycle

Annex to the note verbale dated 8 June 2015 from the Permanent Mission of Estonia to the United Nations addressed to the Chair of the Committee

Report on the implementation of paragraphs 9 and 12 of Security Council resolution 2206 (2015)

Travel ban

In Estonia, the travel ban is implemented in accordance with the decisions of the Council of the European Union. As at 8 May 2015, the travel ban is implemented in accordance with articles 3 to 5 of Council Decision (CFSP) 2015/740 of 7 May 2015 concerning restrictive measures in view of the situation in South Sudan and repealing Decision 2014/449/CFSP. Until 7 May 2015, the autonomous restrictive measures of the European Union referred to a travel ban that was implemented in accordance with article 3 of Council Decision 2014/449/CFSP of 10 July 2014 concerning restrictive measures in view of the situation in South Sudan.

In Estonia, the travel bans established by the decisions of the Council of the European Union are implemented by administrative measures that prevent the entry into or transit through the Estonian territory of the designated persons. The administrative measure that gives effect to the South Sudan travel ban was imposed by the Government of Estonia by its order No. 284 of 19 June 2014 regarding the implementation of the restrictive measures imposed in view of the situation in South Sudan. The travel ban is implemented in accordance with the Obligation to Leave and Prohibition on Entry Act of Estonia.

Asset freeze

As at 8 May 2015, the asset freeze is implemented in accordance with articles 6 to 8 of Council Decision (CFSP) 2015/740. Until 7 May 2015, the autonomous restrictive measures of the European Union referred to an asset freeze that was implemented in accordance with article 4 of Council Decision 2014/449/CFSP.

Until 7 May 2015, the asset freeze was implemented in Estonia by articles 5 to 9 of the directly applicable Council Regulation (EU) No. 748/2014 of 10 July 2014 concerning restrictive measures in respect of the situation in South Sudan. As at 8 May 2015, the measures are implemented by articles 5 to 13 of Council Regulation (EU) 2015/735 of 7 May 2015 concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) No. 748/2014.

Penalties

Penalties applicable for failure to apply international sanctions imposed by international organizations are stipulated in article 93^1 of the Penal Code of Estonia.

United Nations S/AC.57/2015/13

Security Council

Distr.: General
9 June 2015

Original: English

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 8 June 2015 from the Permanent Mission of Hungary to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Hungary to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and has the honour to inform the Committee of the following.

Security Council resolution 2206 (2015) has been transposed into European Union law by Decision (CFSP) 2015/740 and Regulation (EU) 2015/735 of 7 May 2015 of the Council of the European Union concerning restrictive measures in view of the situation in South Sudan, which repeal Decision 2014/449/CFSP and Regulation (EU) No. 748/2014, respectively.

Hungary implements United Nations resolutions on that question through the European Union regulation and decision mentioned above.

In Hungary, when a European Union legal act orders the implementation of a financial and asset-related restrictive measure, it is executed in accordance with act CLXXX of 2007 on the implementation of financial and asset-related restrictive measures ordered by the European Union, and on respective amendments to other laws. The latest amendments to act CLXXX are set out in act LII of 2013 on the amendment to act CXXXVI of 2007 on the prevention and combating of money laundering and terrorist financing, and to certain related acts. Act LII has been applied effectively by the competent authorities as well as the service providers concerned in Hungary since its entry into force, on 1 July 2013.

Based on the act CLXXX, the Hungarian Financial Intelligence Unit is the central authority responsible for the implementation of financial and asset-related restrictive measures.

Regarding the sanctions related to South Sudan, the Unit has introduced the following measures:

– It has published direct links to the relevant European Union regulations on its website home page;

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– It has instructed its staff to pay particular attention, in the course of their risk-based analytical work, to suspicious transaction reports that may be related to the restrictive measures in question.

The Unit has not taken any financial restrictive measures (asset freezing) on the basis of the European Union regulations mentioned above.

Concerning paragraph 9 of resolution 2206 (2015) regarding the travel ban, Hungary follows European Union regulations. The member State holding the presidency of the Council of the European Union is responsible for adding individuals in the Schengen Information System, which is in operation in all European Union member States and associated countries that are part of the Schengen Area.

United Nations S/AC.57/2015/14

Security Council

Distr.: General
18 June 2015

Original: English

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 16 June 2015 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

Please find attached the 90-day implementation report of the United Kingdom of Great Britain and Northern Ireland (see annex) following the adoption of Security Council resolution 2206 (2015).

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Annex to the note verbale dated 16 June 2015 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

Report by the United Kingdom to the Security Council Committee established pursuant to resolution 2206 (2015)

In accordance with paragraph 17 of Security Council resolution 2206 (2015) ("Calls upon all Member States to report to the Committee ninety days from the adoption of this resolution on the steps they have taken to implement effectively paragraphs 9 and 12 of this resolution"), the United Kingdom has the honour to provide the following information on the action that it has taken to implement the aforementioned measures.

Measures adopted by the European Union

Under European Union law, Security Council resolutions are implemented by decisions of the Council of the European Union in the area of the Common Foreign and Security Policy (CFSP). These decisions are legally binding on Member States and transpose the content of Security Council resolutions into European Union law. In order to make their content not only binding on Member States, but also directly applicable within them, these decisions need to be incorporated into regulations of the Council of the European Union. In application of these principles, the United Kingdom and the other European Union member States have jointly implemented the restrictive measures against South Sudan as imposed by Security Council resolution 2206 (2015).

Council Decision 2015/740/CFSP of 7 May 2015 concerning restrictive measures in view of the situation in South Sudan and repealing Decision 2014/449/CFSP

Following the adoption of Security Council resolution 2206 (2015), the European Union adopted Council Decision 2015/740/CFSP in order to provide a legal basis for the implementation of the travel ban and asset freeze measures obligated by Security Council resolution 2206 (2015), paragraphs 9 and 12. Council Decision 2015/740/CFSP also repealed Council Decision 2014/449/CFSP and incorporated measures to provide for a territorial arms embargo.

Regulations of the Council of the European Union

Council Regulations implement the elements of the above decisions that fall within the competence of the European Union under the Treaty on the Functioning of the European Union, in particular with a view to ensuring their uniform application by economic operators in all European Union member States. Council Regulations are binding in their entirety and are directly applicable in all European Union member States as soon as they have been published in the *Official Journal of the European Union*. Funds and economic resources are frozen directly and immediately by Council Regulations. No further national implementing provisions are necessary in this respect.

Council Regulation (EU) 2015/735 of 7 May 2015 concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) No. 748/2014

This Regulation imposes certain specific restrictive measures against certain persons obstructing the political process in South Sudan, including by acts of violence or violations of ceasefire agreements, as well as persons responsible for serious violations of human rights in South Sudan. The Council adopted this Regulation in order to implement the measures set out in Security Council resolution 2206 (2015) and Council Decision 2015/740/CFSP that fall within the purview of the European Union, in particular the freezing of funds and economic resources.

Measures adopted by the United Kingdom

Separately to Security Council resolution 2206 (2015), the European Union has adopted a territorial arms embargo against South Sudan, provided for by Council Decision 2015/740/CFSP. It falls within the United Kingdom's competence to implement this. The Export Control Organisation within the Department for Business, Innovation and Skills is responsible for implementation of the arms embargo in place under Council Decision 2015/740/CFSP. Her Majesty's Revenue and Customs (HMRC), as the United Kingdom Customs authority, is the lead department for enforcing sanctions on goods. HMRC treats the enforcement of sanctions as a high priority and takes a risk-based and intelligence-led approach to identifying potential breaches and takes enforcement action appropriate to the circumstances.

United Kingdom Overseas Territories and Crown Dependencies

In the United Kingdom Crown Dependencies, the asset freeze is implemented by the South Sudan (Restrictive Measures) (Guernsey) Ordinance 2015, the European Union Legislation (Sanctions — South Sudan) (Jersey) Order 2015 and Legislation (Sanctions — South Sudan) (Amendment) (Jersey) Order 2015 and the European Union (South Sudan Sanctions) Order 2015 and South Sudan Sanctions Regulations 2015 in the Isle of Man. The travel ban is implemented administratively.

United Nations S/AC.57/2015/15

Security Council

Distr.: General
22 June 2015
English
Original: Spanish

Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 19 June 2015 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Spain to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and, with reference to his letter dated 1 April 2015, has the honour to submit a report on steps taken to implement that resolution, paragraph 17 of which calls upon all Member States to report to the Security Council within 90 days on the steps they have taken to implement paragraphs 9 and 12 of the resolution (see annex).

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Annex to the note verbale dated 19 June 2015 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

1. Paragraph 17 of resolution 2206 (2015) concerning South Sudan calls upon all Member States to report to the Security Council within 90 days on the steps they have taken to implement paragraphs 9 and 12 of the resolution.

2. This report presents the steps taken with regard to paragraphs 9 and 12 of resolution 2206 (2015).

- With the entry into force of Decision 2015/740 (Common Foreign and Security Policy) of 7 May 2015 of the Council of the European Union concerning restrictive measures in view of the situation in South Sudan, the European Union proceeded to transpose paragraphs 9 and 12 of resolution 2206 (2015) in their entirety into the regime first established by Decision 2014/449 (Common Foreign and Security Policy) of 10 July 2014. Additional restrictive measures in force in the European Union include:

- Entry ban against those who obstruct the political process in South Sudan, including by acts of violence or violations of ceasefire agreements, as well as persons responsible for serious violations of human rights in South Sudan. At present, the European Union, by the aforementioned Decision, applies those measure to two persons, namely:

  – Santino Deng: Commander of the third Infantry Division of the Sudan People's Liberation Army that took part in the recapture of Bentiu in May 2014. Mr. Deng is thus responsible for violations of the 23 January Cessation of Hostilities Agreement.

  – Peter Gadet: Leader of the anti-government Nuer militia that conducted an attack on Bentiu from 15 to 17 April 2014, in violation of the 23 January Cessation of Hostilities Agreement. The attack resulted in the killing of more than 200 civilians. Mr Gadet is thus responsible for fuelling the cycle of violence, thus obstructing the political process in South Sudan, and for serious human rights violations.

- Likewise, by Regulation 2015/735 of 7 May 2015 of the Council of the European Union concerning restrictive measures in respect of the situation in South Sudan, the assets of the aforementioned persons were frozen, as were those of any natural or legal person, entity or body associated with them. With regard to the freezing of funds of designated persons and entities, the following steps have been taken at the European and national levels:

  – The Directorate-General of the Treasury has taken the necessary steps to comply with the asset freeze measures.

  – Spain also has a system of penalties for cases where entities do not implement this asset freeze. Law No. 10/2010, of 28 April 2010, on the prevention of money-laundering and terrorist financing, provides that failure to freeze the funds of designated persons shall be deemed a serious or very serious offence, depending on whether it is attributable to negligence or wilful misconduct. The following penalties may be imposed:

- In the case of serious offences, a fine of a minimum of 60,001 euros and a maximum of the higher of the following amounts: 1 per cent of the net assets of the obligated entity, up to the value of the transaction, plus 50 per cent; or 150,000 euros. In addition, the non-compliant entity may receive a public or private reprimand.

- In the case of an offence deemed very serious, a fine of a minimum of 150,000 euros and a maximum of the higher of the following amounts: 5 per cent of the net assets of the obligated entity, up to double the value of the transaction; or 1.5 million euros. In addition, the entity will be subject to a public reprimand or its administrative authorization to operate may even be revoked.

• Further, the European Union and its member States, by the aforementioned legal acts, have imposed an arms embargo on South Sudan, prohibiting technical assistance and financing for arms, in order to avoid any escalation of the conflict. By means of these measures, the European Union in general and Spain in particular comply with paragraphs 9 and 12 of resolution 2206 (2015).

3. Should the Security Council Committee established pursuant to resolution 2206 (2015) decide to place persons or entities other than those already designated by the European Union on the sanctions list, the Council of the European Union will list them expeditiously by means of a new decision and regulation.